

OCT 11 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Carl A. Reiser

Docket No.: C-3363

Serial No.: 10/765,737

Art Unit: 1745

Filed: January 27, 2004

Examiner: O'Neill, Karie Amber

Title: Preventing Fuel Starvation of a
Fuel Cell StackI hereby certify that this correspondence is being facsimile
transmitted to the United States Patent and Trademark
Office (Fax No. 571-273-8300) on October 11, 2007.

Barbara Cecere

Request for Supervised Phone InterviewCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests a supervised phone interview in the subject case before the next office Action, preferably at the time the case is taken up for action in its normal course.


Items to be discussed should include the following:

1. Claims 4 and 5 were amended only to eliminate words found objectionable (102-2) at the personal interview on July 26, 2007.
2. After asking for the amendment above and for proof of support for claims 4 and 5, the conforming response was not entered as requiring a new search; the RCE has covered that!
3. The lack of relevant art was all but agreed to; a more careful look at the -132 declaration was promised.
4. At the prior interview, it was agreed that claims 4 and 5 should not be restricted and no election should be required.
5. On September 6, 2007, the undersigned phone Examiner O'Neill and was promised a return phone call to set an interview; no call was received.

ISSUES

1. Claims 4 and 5 are not distinct from claims 1-3.
2. There is no art rendering the claims obvious, per the -132 declaration.

Respectfully submitted,



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